

NO. 2021-1379-CCL2

CITY OF GLADEWATER,	§	IN THE DISTRICT COURT
<i>Plaintiff,</i>	§	COUNTY COURT at LAW 2
	§	
V.	§	_____ JUDICIAL DISTRICT
	§	
UNION PACIFIC RAILROAD COMPANY,	§	
<i>Defendant.</i>	§	GREGG COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION FOR CONDEMNATION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, the City of Gladewater, Plaintiff ("Gladewater"), and files this its Original Petition for Condemnation against Defendant Union Pacific Railroad Company ("Defendant"), and would show the Court as follows:

I.**DISCOVERY CONTROL PLAN**

1. Discovery is intended to be conducted under Level 2 of Rule 190 of the Texas Rules of Civil Procedure, if this administrative condemnation proceeding becomes a civil cause of action.

II.**PLAINTIFF**

2. Plaintiff City of Gladewater is a Texas home-rule municipality.

3. Gladewater has the power, pursuant to Section 251.001 of the Texas Local Government Code and Article II, Section 8, of the Charter of the City of Gladewater, to exercise the power of eminent domain.

III.

LAND TO BE CONDEMNED AND USE OF LAND

4. Gladewater has determined that it is in the public interest to acquire nine tracts of property within the City that it currently leases from Defendant. The tracts are intended be used as they are under the current lease: as a public park, for parking, and for restroom facilities.

5. The tracts are described in the attached Appendix A.

IV.

OWNER OF LAND

6. There is one owner of the Land in the Real Property Records of Gregg County, Texas.

7. The name of the owner is the Union Pacific Railroad Company. The Union Pacific Railroad may be served by serving its resident agent for service of process: CT Corporation System, 350 N. St. Paul Street, Dallas, Texas 75201.

V.

LIENHOLDERS ON LAND

8. After diligent review of the Real Property Records of Gregg County, Texas, Gladewater did not find any lienholders on the land.

9. Gladewater reserves the right to amend the Petition in order to add any lienholders that are discovered after filing of the petition.

VI.

UNABLE TO AGREE

10. On October 27, 2020, the City of Gladewater made a bona fide offer to acquire the property involved herein. The Defendant rejected the City's offer. On July 23, 2021, Gladewater

made a final offer to acquire the property involved herein. The Defendant rejected that offer. Gladewater and the Defendant are unable to agree on the proper compensation for the property to be taken. Therefore, it became necessary to file this condemnation proceeding.

11. Gladewater has provided the Defendant with a copy of the Texas Landowner's Bill of Rights as required by Chapter 402 of the Texas Government Code and Chapter 21 of the Texas Property Code.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Gladewater requests that three disinterested freeholders of Gregg County, Texas, be appointed as special commissioners, to assess damages and file their decision as provided by law to the end that Gladewater may have a final judgment or decree of condemnation vesting in the City of Gladewater fee title to the above-described land, a writ of possession, costs of suit, and such other and further relief to which it may be justly entitled.

Respectfully submitted,

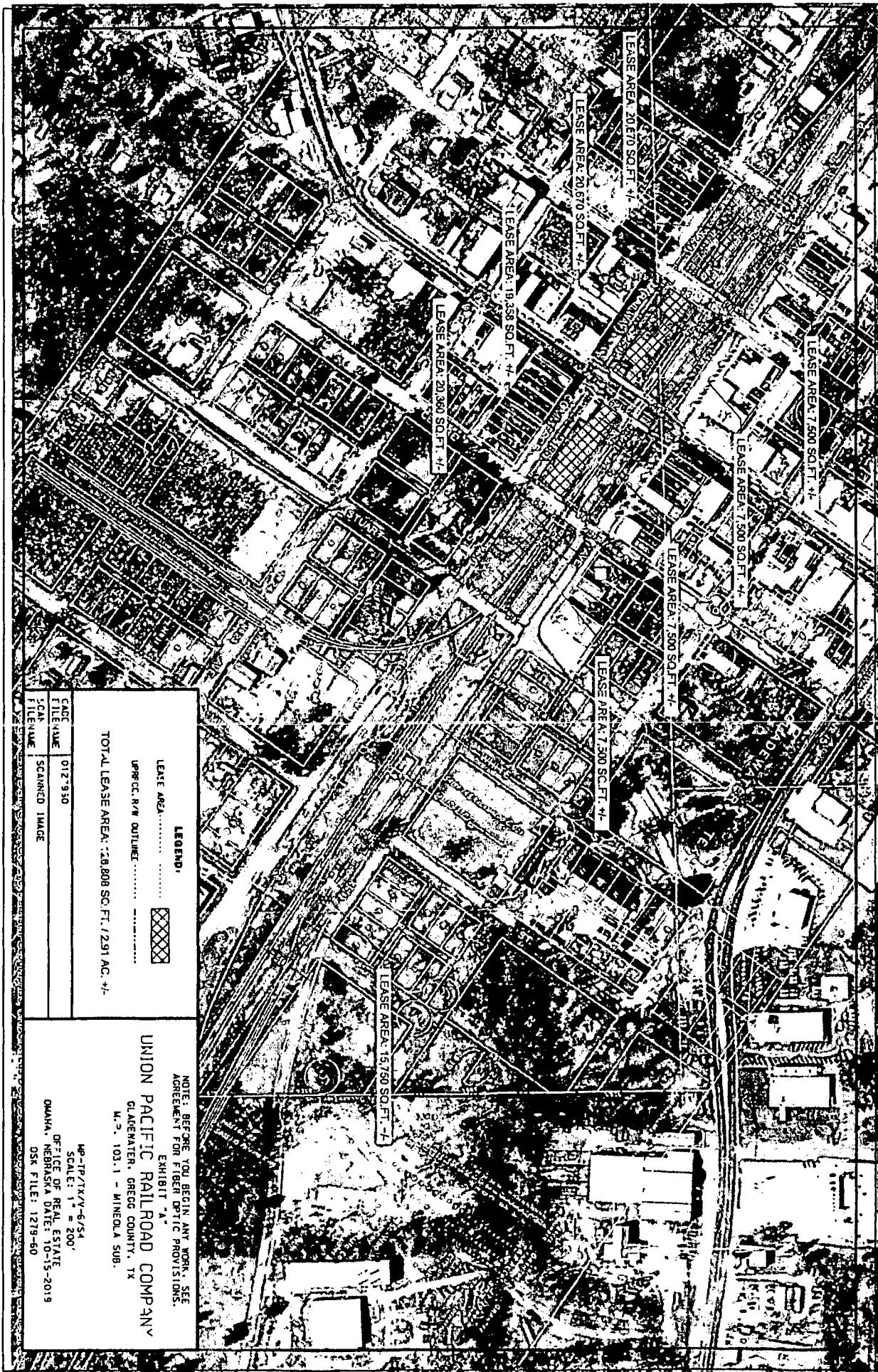
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Attorneys for Plaintiff City of Gladewater

APPENDIX A



LEGEND:	
LEASE AREA.....	
UPRR CC. R/W OUTLINE.....	
TOTAL LEASE AREA: 120,808 SQ. FT. / 2.91 AC. +/-	
DATE	07-27-2010
FILE NAME	SCANNED IMAGE

NOTE: BEFORE YOU BEGIN ANY WORK, SEE AGREEMENT FOR FIBER OPTIC PROVISIONS.

EXHIBIT "A"

UNION PACIFIC RAILROAD COMPANY

GLADEWATER, GREGG COUNTY, TX

M. 2. 103.1 - MINEROLA SUB.

HP-TP/TX/V-6/54

SCALE: 1" = 200'

OFFICE OF REAL ESTATE

OMAHA, NEBRASKA DATE: 10-15-2019

DSX FILE: 1279-60